

# Court of Appeals, State of Michigan

## ORDER

People of MI v Leo Joseph Rudolph

Docket No. 284920

LC No. 2007-005440-FC

William C. Whitbeck  
Presiding Judge

Peter D. O'Connell

Patrick M. Meter  
Judges

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In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the matter is REMANDED to the trial court for articulation of a substantial and compelling reason for the departure from the sentencing guidelines, or in the alternative, resentencing. *People v Babcock*, 469 Mich 247, 260; 666 NW2d 231 (2003). Although the mandatory minimum sentence required by MCL 750.520b(2)(b) is in excess of the guidelines range, the trial court was required to state an objective and verifiable basis when it imposed a sentence in excess of the statutory minimum and the guidelines range. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 19 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk